

Section III: REMARKS

It is respectfully requested that the changes as noted above in Section I and Section II be made to the present application.

By this amendment, the "Related Applications" paragraph has been updated to include the most current information available.

In the above-referenced Office Action which was mailed on 3/26/04, claims 1-31 were rejected under the judicially created doctrine of double patenting over claims 1-35 of copending application 09/826,663. Applicant agrees to execute and file a Terminal Disclaimer to obviate the Examiner's Provisional Double Patenting rejection of claims 1-31 under the judicially created doctrine of double patenting upon a determination of allowable (but for the double patenting issue) claims in the present application.

It is noted that the present application includes 31 claims and 31 claims have been examined by the Examiner. However, in the originally filed application, claim number "16" was inadvertently repeated. Correctly numbered, original claim 16 is an independent claim and the second claim (a dependent claim) which was numbered "16", should have been numbered "17". The numbering of the claims 17-31, as well as the claim dependencies associated with those claims, has herein been corrected to conform to the correct claim numbers as examined by the Examiner and referred to in the above referenced Office Action. The Commissioner has been authorized in the original transmittal dated 4-5-01 to charge applicant's deposit account for additional filing and processing fees associated with the present application.

Next, claims 1, 3-4, 6, 10-12, 16, 18-19, 21 and 25-27 were rejected under 35 USC 102(e) as being anticipated by Tatchell et al (U.S. Patent 6,160,877, hereinafter referred to as "Tatchell"), and claims 2, 5, 7-9, 13-15, 17, 20, 22-24, 28-31 were rejected under 35 USC 103(a) as being unpatentable over Tatchell. The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims to clarify the claimed combinations and place the claims in condition for allowance.

It is noted that the present application includes claims 1-31 with claims 1, 16 and 31 being independent claims, claims 2-15 being ultimately dependent from method claim 1, and claims 17-30 being ultimately dependent from medium claim 16. Applicant has herein amended all of the independent claims 1, 16 and 31 to include additional recitations to clearly distinguish claims 1, 16 and 31, as well as the remaining dependent claims 2-15 and 17-30, which include all of the limitations of one of the independent claims, from the Tatchell reference. As herein amended, claims 1-31 are believed to be in condition for allowance over Tatchell.

More specifically, Tatchell discloses a method of screening and prioritizing an incoming call which is enabled by a subscriber using voice commands. Tatchell does not disclose, teach or even suggest the use of an interactive visual display on a user device to enable a display of incoming call information, and the enabling and displaying of user input information confirming the

forwarding of incoming calls to designated numbers, and then transferring an incoming call in accordance with the user input. The display of incoming call information on a user device and the display of user input on the user device regarding the routing of the incoming call is an important feature of the present invention as compared with the Tatchell system since long lists of messages or intricate menus could be tedious and confusing to navigate via telephone key buttons or via voice. However, with the present invention, the incoming call information and the input forwarding information is visually presented to the user so that the user is able to interactively visually confirm the correctness of the input information before it is executed by the system.

The present invention overcomes this shortcomings of Tatchell by enabling a user to interactively input call forwarding input to a user device and to complete the input with a positive key entry after visually confirming the input on a display associated with the user device. The visual display is deemed a significant feature since it provides a positive visual confirmation of user input before it is acted upon whereas with Tatchell, verbal inputs are frequently misunderstood and/or misinterpreted and result in system delay or total system failure. This delay or failure cannot be tolerated in a system where incoming phone calls are being reviewed and routed on a real time basis by a user.

The use of a user device having a display capability is directly against the teachings of Tatchell so it cannot be said that it is obvious from Tatchell to use a display device for entering call forwarding information. If anything, Tatchell teaches away from the present invention by disclosing only a voice-activated system and not mentioning even a possible function in his system for a

display device. Indeed, it is submitted that the insertion of a display function in the Tatchell system would render the Tatchell system inoperable for its intended purpose. Thus, even a combination of Tatchell with another reference having a display function would not be appropriate since it would be against the express teachings of Tatchell and clearly not even suggested by Tatchell. Tatchell, instead, goes in an opposite direction by using only a voice system without a display of any kind.

In view of the above-noted distinctions between the present invention and the Tatchell reference, all of the independent claims, 1, 16 and 31, have herein been amended to include displaying the incoming call information and displaying the routing information input by the user on a user device thereby enabling user visual confirmation of the routing before execution. Since, Tatchell does not disclose (and in fact teaches against) the use of a visual or display interface on a user device for displaying incoming call information or routing information input by a user, it is submitted that independent claims 1, 16 and 31 are allowable over Tatchell. Furthermore, since the remaining claims 2-15, 17-30 depend from one of claims 1 or 16, and include even further limitations as set forth in the individual claims, it is submitted that claims 2-15, 17-30, in addition to claims 1, 16 and 31, are allowable under 35 USC 102(e) and/or 35 USC 103(a) over Tatchell.

The similarity of bits and pieces of Tatchell as discussed on pages 3-8 of the above referenced Office Action is noted, but it is believed that Tatchell does not disclose, teach or even suggest the total combination of elements, and relationships among those elements, as is clearly recited in the claims of the present application as herein amended.

Thus, it is submitted that claims 1-31, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, or if the present application is determined to be allowable but for the submission of a Terminal Disclaimer, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert V. Wilder".

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